

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

SUITS – Land Acquisition – PJP – GADWAL - Mahabubnagar District – Pebbair (Mandal and Village) - O.P.No.41/95 - Sanction of decretal charges of **Rs.4,98,630/-** Orders – Issued.

IRRIGATION & CAD (PW.LA.III.A2) DEPARTMENT

G.O.RT.NO. 342

DATE:18.05.2009

Read :

From the Special Collector (LA) Bheema Project, Mahabubnagar  
District Lr.No.E/957/2008, dated:07.11.2008.

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ORDER:

The Special Collector, SSP, Kurnool has submitted the proposals for sanction of final payment of decretal charges in respect of O.P.No.41/95 pertaining to Pebbair (V&M) of Mahabubnagar District. The then Special Dy.Collector, LA, PJP, Gadwal had acquired an extent of Ac.3-04 gts of land situated at Pebbair (V &M) by fixing the market value @Rs.22,500/- per acre vide Award No.16/94, dt:17.10.1994 for Excavation of Left Main Canal under PJP. The Sr.Civil Judge Court, Wanaparthy in its orders dt:25.08.1999 has enhanced the market value from Rs.22,500/- to Rs.70,000/- per acre. Aggrieved by the orders of the Sr.Civil Judge, Wanaparthy, the SDC, LA Unit, PJP, Gadwal has filed appeal before the Hon'ble High Court of A.P, Hyderabad. The Hon'ble High Court has granted interim stay orders dt:21.04.2000 in A.S.No.554/2000 & batch to deposit Half of the decretal amount. Accordingly, an amount of Rs.1,20,000/- towards half of the decretal charges and the same has been released by the Executive Engineer, PJP, Pebbair. Out of which an amount of Rs.97,631/- has been deposited in the Court of Sr.Civil Judge, Gadwal on 27.03.2002 in O.P.No.41/95 and balance amount of Rs.22,369/- are returned to PAO, PJP, Gadwal vide Cheque No.154996, dt:29-7-2002 and requested to remit to the credit of Govt.Account. Finally, the Hon'ble High Court of A.P, Hyderabad dt:27.01.2006 in AS No.555/2000 has dismissed the appeal filed by the SDC, LA, PJP, Gadwal by confirming the orders of Lower Court orders on the basis of judgment of the Hon'ble H.C of A.P, Hyd dt:26.03.2003 in A.S.No.1297/07 and batch, which was confirmed by the Hon'ble Supreme Court of India in SLP CC No.18171-18175/2004.

2) After careful examination of the matter, Government hereby accord sanction for an amount of **Rs.4,98,630/- (Rupees Four lakhs ninety eight thousand six hundred and thirty only)** in respect of O.P.No.41/1995 pertaining to Pebbair (V&M) of Mahabubnagar District subject to verification whether the reference under section 18 (1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Sec.18 reference was made contrary to the rules/guidelines issued by the Govt/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyd immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

P.T.O

3) The expenditure sanctioned in para (2) ante shall be debitable to following Head of Account under "4701-SMJH -01-Major Irrigation -M.H.122 Jurala Project G.H.11 - NSP- SH (27) - Canals and Distributaries - 530 Major Works - 532 Lands (charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

4) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O. No.1333/F2(2)/2009-1, dated 23.04.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS  
SECRETARY TO GOVERNMENT

To

The Spl. Chief Secretary to Government & CCLA, A.P., Hyderabad.

The Special Collector(LA), Bheema Project, Mahabubnagar.

The Chief Engineer, I & CAD, MBNR, Jalasoudha Buildings, Hyderabad.

The SDC, LA, PJP, Gadwal, Mahabubnagar.

The Director of Works Accounts, Hyderabad.

Copy to: P.S. to Minister (M& MI).

Finance (W&P) Department/File C.No.3207//LA-III(A2)/2009

SF/SCs

// FORWARDED :: BY ORDER//

SECTION OFFICER